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ABSTRACT

This compilation of seven briefs is intended to help citizens lobby United States senators, representatives, and their staff members on issues of importance to the Hispanic American community. Each brief synopsizes an issue, reviews current proposals for addressing the issue, and suggests the appropriate action that the member of congress should take. The following tips for successful lobbying are outlined: (1) be relevant; (2) be specific; (3) be brief; and (4) be prepared. The following issues are addressed: (1) employer sanctions for hiring undocumented workers; (2) reauthorization of the Carl D. Perkins Vocational Education Act; (3) omnibus literacy education; (4) the Civil Rights Act of 1990; (5) legal immigration reform; (6) expansion of the earned income tax credit; and (7) the Community Housing Partnership Act. A map of Washington (District of Columbia) showing the locations of congressional offices is appended. (FMW)

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NATIONAL COUNCIL OF LA RAZA

LOBBY DAY ISSUE BRIEFS

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

SOME TIPS FOR SUCCESSFUL LOBBYING

The Lobbying process can be intimidating, but you should remember that Members of Congress and Senators need and expect to hear from constituents. Accurately representing his or her community is an essential part of a Senator's or Congressman's job. It is also an important part of a staff person's job, so do not hesitate to speak to a staff person if the Member is not available. Here are a few suggestions to make sure that your message gets across:

BE RELEVANT

- Visit your Member of Congress or Senator. The members and their staffs will always meet with a constituent.
- If you are visiting a Member who is not your representative, make sure that you relate why this issue is important to his or her constituents.

BE SPECIFIC

- Have a clear and specific message. Don't ramble.
- If possible, have something you would like a Member to do, i.e. cosponsor a specific bill, sign or write a letter, or support a position.
- CAUTION: It is possible to be too specific; don't go into copious detail about your position or issue. Also, don't be surprised if the member or staff person isn't aware of your issue. Members and staff are often dealing with several dozen bills and issues at the same time.

BE BRIEF

- This is true not only because Members and staff don't have a lot of time to spare but because they also look more kindly on lobbyists who are concise and specific.

BE PREPARED

- Information is what makes lobbyists valuable to Members. If possible, provide Members and staff with brief (one-page) synopses of your issues and be able to answer questions or know someone who can.
- Most importantly, if Members or Staff ask for any more information (and they often will), please be sure to follow up.

GOOD LUCK!

EMPLOYER SANCTIONS

ISSUE:

In 1986 Congress passed the Immigration Reform and Control Act (IRCA), which among other things, contained employer sanctions, which penalize employers for hiring undocumented workers. Hispanic and other organizations opposed the legislation on the grounds that employer sanctions would lead to discrimination against persons who look or sound "foreign."

Over a dozen studies, including a March 1990 report from the U.S. General Accounting Office (GAO) confirm that employer sanctions have caused widespread discrimination against Hispanics. According to the GAO report:

- At least 891,000 employers, or 19 percent of those surveyed, admitted adopting discriminatory behaviors toward Hispanics and other "foreign-looking" persons as a direct result of sanctions; and

- In some areas, Hispanics are three times more likely to encounter unfavorable treatment than Anglos when applying for a job.

The GAO report triggered a 30-day "sunset" provision during which Congress could have repealed employer sanctions. However, Congress failed to address the issue; many members of Congress have stated quite openly that they do not believe that sanctions will be repealed, despite the fact that they violate the civil rights of Hispanics.

PROPOSALS

- Repeal Employer Sanctions - This is a bottom line civil rights issue for Hispanics -- it represents the first time in recent memory that Congress has passed a law which **creates** discrimination. Such a law must be repealed. Congressman Roybal (D-CA) has proposed legislation in the House of Representatives (H.R. 5185) and Senators Hatch (R-UT) and Kennedy (D-MA) have proposed a bill before the Senate (S. 2797) which would repeal sanctions and provide alternative measures for controlling illegal immigration.

- Strengthen anti-discrimination provisions - Many members of Congress are considering "fixing" discrimination by strengthening civil rights protections under IRCA. Hispanic groups contend that these measures are inadequate; civil rights protections are not a remedy for discrimination which is caused by a federal law. Such measures would set a precedent for creating discrimination on the one hand, and trying to "fix" it on the other.

- Adopt a new "verification system" or ID card - Congress is debating creating new ID systems to "fix" discrimination. Such "remedies" would take years to develop and implement, and there is no evidence that they would reduce discrimination. In addition, the experience of many Hispanic Americans in the Southwest suggests that ID documents are easily misused, and could create new civil rights abuses in the name of "fixing" old ones.

ACTION

Please ask Representatives and Senators to recognize this as a basic civil rights issue and to co-sponsor H.R. 5185 and S. 2797 to repeal employer sanctions.

REAUTHORIZATION OF THE CARL D. PERKINS VOCATIONAL EDUCATION ACT

ISSUE

Congress is currently reauthorizing the Carl D. Perkins Vocational Education Act. The bill has passed both the House and Senate and now is in conference committee. The Conferees will take two separate bills and combine them into one which will then be sent to the President to sign and will become law.

It has been estimated that by the year 2000 the number of limited-English- proficient (LEP) persons will increase by 35%. Such individuals must be able to compete effectively in our rapidly evolving job market.

PROPOSAL

The revised vocational education act will include provisions which:

- Target services to educationally disadvantaged, LEPs, the handicapped, and women;
- Mandate that supplementary services be provided to LEPs that LEPs have equal access to all vocational programs;
- Create a State Vocational Education Coordinator position for LEPs;
- Stress basic skills development and improve the quality of services provided; and
- Allow for the participation of community-based organizations in the delivery of services.

OMNIBUS LITERACY EDUCATION

ISSUE

Senator Simon's Omnibus literacy legislation passed the Senate by a vote of 99 to 0 this past February. On the House side, Congressman Sawyer's literacy bill was recently included in a larger Education Leadership bill which passed the Full Committee last week and is expected to go the House floor shortly, then go on to conference with the Senate.

Up to 56% of Hispanic adults are functionally illiterate. High rates of illiteracy limits the ability of Hispanic parents to assist in their child's learning development, and poses barriers to employment opportunities. Present literacy services are inadequate to meet the literacy needs for many Hispanics both because the level of services available is too low and because literacy programs frequently are not designed for individuals who are both illiterate in English and unable to speak or understand it fluently.

In addition, while there are not enough existing literacy programs to meet the general need for services, programs that serve Hispanics are especially overburdened. Hispanic community-based organizations represent a

major under-utilized resource for addressing the literacy needs of the Hispanic population.

PROPOSAL

Special provisions in these bills include:

- Authorization for increased funding levels for the expansion of existing literacy programs ranging from preschool to the workplace, including amendments to the Adult Education Act;

- The establishment of a National Center on Literacy;

- More emphasis on training and technical assistance for literacy providers; and

- Most significant to NCLR affiliates is a change to the Adult Education Act which will require that states open up competition of adult education funds to community-based organizations who have the capacity to serve the target population, including limited-English proficient individuals. (Many states, including Texas, Nebraska and Illinois do not allow for such contracting.).

ACTION

Congress will be in recess (working in their home districts) for most of the month of August. Please invite your Congressman to visit your program, meet people you provide services so they can see first hand the differences your agency makes for persons in your local district. Also, **please stress the importance in allowing Hispanic community-based organizations to compete for grants under the Vocational Education and Adult Literacy Programs.**

Specifically, in vocational education, stress the importance in:

- Providing basic skills and English-as-a-second language (ESL) services;

- Including provisions which stress that all participants in the programs should be trained for **all aspects of the industry** they are preparing for;

- Including provisions which stress real employment at real jobs.

Specifically, in literacy programs, stress the importance in:

- Increasing funding levels for programs at agencies like yours to be able to provide services to all those who have an unmet need;
- Providing provisions which place more focus on technical assistance; and

- Targeting funds for limited-English proficient adults.

THE CIVIL RIGHTS ACT OF 1990

ISSUE

In six court decisions handed down in the summer of 1989, the Supreme Court severely restricted the effectiveness of the two most important federal civil rights laws relating to employment discrimination. First, the Supreme Court sharply limited a century-old law (Section 1981) that is meant to assure that all people will be treated fairly in the workplace and in other contractual relationships. The Supreme Court also diluted the strength of Title VII of the 1964 Civil Rights Act. As a result of the Court's actions, it is now harder to prove employment discrimination; the available remedies for employment discrimination have been limited; and late challenges to court-approved remedial hiring agreements that are already in place are now permitted. The Court's decisions thwart the original intent of Congress in passing the civil rights laws, which was to guarantee workplace justice to every American. The negative effects of the Court's decisions must be remedied by the Civil Rights Act of 1990.

PROPOSAL

The Civil Rights Act of 1990 (H.R. 4000 in the House and S. 2104 in the Senate) is intended to rebuild the nation's civil rights laws so that they can effectively protect all Americans against workplace discrimination. The bills include major provisions aimed specifically at repairing the damage done by the Supreme Court and additional provisions designed to avoid any future misinterpretation by the Supreme Court.

The Civil Rights Act of 1990 will:

- Restore the federal prohibition against racial or ethnic discrimination at any point in the employer/employee (or other contractual) relationship;

- Return the burden of proof to the employer to show the "business necessity" for a practice that has a proven discriminatory impact;

- Make it clear that it is <u>always</u> illegal for an employer to use race, ethnicity, gender, or religion as a motivating factor in employment decisions;

- Preserve the stability and certainty of court-approved plans designed to remedy discrimination;

- Reestablish fair rules for determining when victims of discrimination must file their claims; and

- Ensure that all victims of intentional discrimination -- whether based on race, religion, ethnicity or gender -- have the right to sue the perpetrators for damages.

STATUS

The Civil Rights Act of 1990 has been controversial from the beginning. While the Bush Administration has announced that it will support legislation to correct the effects of the two decisions that have the most limited effects, it is opposing any legislation that seeks to overturn the two most far-reaching and harmful decisions (Wards Cove and Martin v. Wilks). One of the major points of debate on the proposed legislation has centered on whether the Act would mandate hiring by "quotas." The misperception that the bill would result in quotas is based on the unproven theory that businesses would have such a difficult time removing discriminatory effects of business practices, that they would simply initiate quota systems to assure compliance. In order to resolve the controversy, as well as some other points of contention, compromises have been reached in both the Senate and the House.

In the Senate, the compromise has resulted in a substitute for the original bill that was reported out of committee. The substitute bill contains compromise language that resolves the question of quotas. The Senate began its floor debate on the bill on July 10, 1990; the Senate debate is expected to proceed quickly and should be finished by the August recess. The debate may be prolonged, however, because of the weakening amendments that are expected to be introduced.

Before the bill can reach the House floor, it must now favorably pass the House Judiciary Committee, which is chaired by Rep. Jack Brooks (D-TX), The House Judiciary Committee is expected to consider the bill sometime this summer before the August recess. There is no guarantee that the House bill that will be reported from the Judiciary committee will be exactly like the Senate substitute bill; a House-Senate conference may, therefore, be necessary.

ACTION

NCLR supports S. 2104 and H.R. 4000. NCLR believes that this legislation is needed to ensure the rights of all Americans, particularly minorities, in the workplace. In order to elevate the Congressional awareness and concern, it is imperative that all members of Congress know that there is grassroots Hispanic support for this legislation. We, therefore, request that you contact your Senators and Representatives and urge them to support the Civil Rights Act of 1990 and oppose any weakening amendments.

LEGAL IMMIGRATION REFORM

ISSUE

Congress is currently considering legislation to reform the legal immigration system to the U.S., the system by which visas are granted to family members and others seeking to start new lives in the U.S.

Hispanics are particularly likely to be affected by the family immigration provisions. The current system contains lengthy and unreasonable backlogs. For example, a Mexican permanent resident must wait up to ten years to reunite with a spouse or a minor child. Such waiting periods are unreasonable, and only encourage families to reunite illegally.

PROPOSAL

H.R. 4300 in the House of Representatives would make it easier for U.S. citizens and permanent residents to reunite with close family members. It contains a number of important changes which anti-immigrant groups would like to see removed:

- The Second Preference Change - This provision allows permanent residents to reunite immediately with spouses and minor children. This provision is particularly important for those currently waiting in long lines, and for newly legalized persons, who could wait up to 20 or 30 years for family reunification;

- Second and Fifth Preference Backlog Reduction - This provision would provide 100,000 visas to ease some of the most unreasonable backlogs;

- Family Unity - This provision would protect the spouses and children of legalized residents from deportation while they wait in line to get their green cards. We know of several heartbreaking cases where children as young as three years old are being separated from their parents, who are legal residents of the U.S. These provisions are not a "second amnesty," they simply protect families from getting separated by deportation.

ACTION

Please ask Representatives and Senators to support family immigration, particularly the provisions in H.R. 4300 which promote our national values by making it easier for immigrant families to reunite in the United States. Be sure to mention our pride in the nation's immigrant heritage and openness to immigrants, who repay the nation by enriching it culturally and economically.

EXPANSION OF THE EARNED INCOME TAX CREDIT

ISSUE

The Earned Income Tax Credit (EITC) is a refundable tax credit for low and moderate income working families with children. It is particularly beneficial for Hispanic families. Hispanic working families with children are much more likely to be eligible for the EITC than non-Hispanic families are -- since Hispanic working families are much more likely to have low incomes.

- Tabulations of U.S. Census Bureau data indicate that an estimated 38 percent of Hispanic working families with related children under age 18 --or nearly four in every 10 such families -- have incomes low enough to qualify for the EITC.

- By contrast, an estimated 20.6 percent of non-Hispanic families with children have incomes low enough to qualify for the EITC. Hispanic families are nearly twice as likely as non-Hispanic failies to have incomes low enough to qualify for the EITC.

- High recipiency rates are common, moreover, among most Hispanics, regardless of their country of origin.

PROPOSAL

The current structure of the EITC contains one flaw: it provides the same amount of benefits to all families at a given income level, regardless of the size of a family. Income needs, of course, vary by family size. Accordingly, the EITC should be adjusted so that its benefits rise as the number of children in a family increases. Such a change in the EITC would be of particular benefit to Hispanic families since they are more likely to have two or more children.

This year, both the Senate and House have approved EITC expansions. The Senate and House EITC proposals differ markedly,however. For example, the House EITC expansion would both enlarge the basic EITC and also scale it to reflect family size. It would increase benefits for virtually all low income working families with children. The Senate EITC expansion, by contrast, is very limited: it applies only to working families with children under age four.

ACTION

The differences in the Senate and House approaches are currently being resolved in a conference committee on the child care bill. Because the House bill provides for much greater expansion of the EITC than the Senate bill does (in part because the Senate devotes greater resources to other tax credits instead), the House approach would offer substantially greater benefits to Hispanic families. Indeed, the House EITC provisions would probably do more to raise the incomes of low income Hispanic working families than any other piece of social program legislation in more than a decade. Please ask your Senators and Representatives to support the House version of the EITC.

COMMUNITY HOUSING PARTNERSHIP ACT

ISSUES: Hispanics are among the most poorly housed groups in the nation; for example:

- Hispanics are less likely than other Americans to be homeowners. Only 40% of Hispanic households were homeowners in 1985, compared to 64% of the general population.

- Housing quality and overcrowding are serious problems for Hispanics. Hispanics are more than three times as likely to live in substandard or overcrowded housing than non-Hispanics.

- Affordability is an even more critical problem for Hispanics. About one Hispanic household in ten paid more than 70% of its income for housing in 1985; nearly two in five paid more than 30%.

- Despite high levels of eligibility for housing assistance, relatively few Hispanics reside in subsidized housing. Although more than one-fourth of Hispanic households are eligible for some form of housing assistance, only about 10% receive any form of such assistance.

In the last decade, a number of community-based organizations including NCLR affiliates and other Hispanic groups have demonstrated that the nonprofit sector is capable of providing innovative, cost-effective solutions to local housing problems. Community-based organizations have pioneered the use of cost-cutting approaches, including housing cooperatives, the use of "sweat equity," revolving loan funds, and dozens of other innovations. However, Hispanic community groups remain an underutilized resource in the housing arena. The vast majority of Hispanic groups lack the staff expertise and financial resources to carry out housing activity on a sustained basis.

PROPOSALS: Working closely with NCLR and other groups, Representative Joe Kennedy (D-MA) developed and introduced the **Community Housing Partnership Act**. The act authorizes grants and loans to cities, states and private nonprofit organizations to maintain, rehabilitate and construct rental and homeownership units for low- and moderate-income persons. Recipients would be required to provide one dollar to match each three dollars of federal funding. Funding would be highly flexible, and could be used for technical assistance, pre-development costs and site control in addition to actual development activity.

The **Community Housing Partnership Act** has been included as part of major housing legislation, the National Housing Trust Act (H.R. 1180), sponsored by Rep. Henry B. Gonzalez (D-TX). H.R. 1180 has passed the House Subcommittee on Housing and Community Development, and will be considered by the full House during the week of July 16.

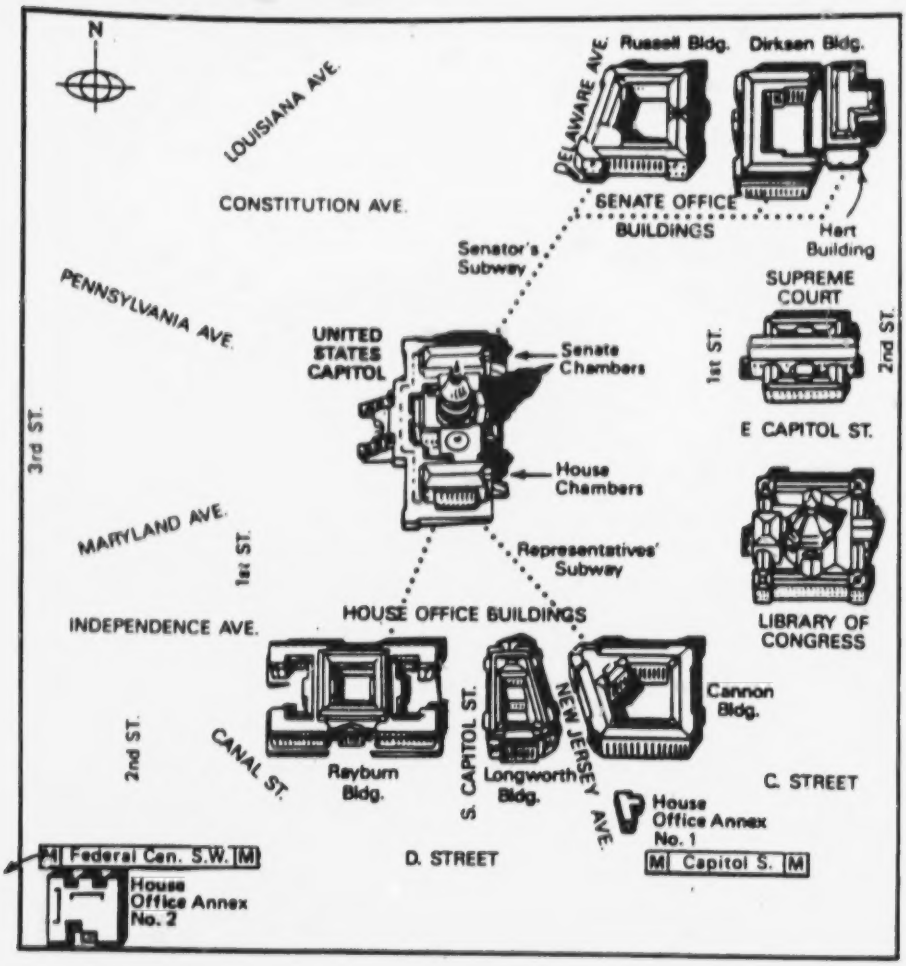
The Senate has already passed its housing bill, the National Affordable Housing Act (S. 566), sponsored by Senators Alan Cranston (D-CA) and Alfonse D'Amato (R-NY). Although S. 566 does not include the Community Housing Partnership Act, it does include a 10% set-aside for private nonprofit groups.

After the House passes H.R. 1180, the differences between the two bills will be worked out in a House-Senate Conference Committee. While NCLR supported the 10% set-aside in the Senate bill, the House provisions are preferable. Therefore, strong support for the Community Housing Partnership Act provisions in H.R. 1180 is essential.

ACTION: The greater the degree of support for the Community Housing Partnership Act, the greater the likelihood that the full Act will be included in the final version of housing legislation developed in the Conference Committee. The timing of House floor action on the bill provides NCLR Conference participants with an opportunity to demonstrate support for increased federal assistance to nonprofit community-based housing groups.

NCLR recommends that you let your Senators and Representatives know about:

- The serious housing crisis faced by the Hispanic community;
- Examples in your area of successful community-based organization participation in the development of affordable housing;
- Your strong support for the Community Housing Partnership Act and other measures to support increased involvement of Hispanic community organizations in housing development; and
- Your support for the enactment this year of major housing legislation.



Congressional Offices

Senate	
S	Capitol-Senate Side (North)
SROB	Senate Russell Office Building
SDOB	Senate Dirksen Office Building
SHOB	Senate Hart Office Building

House	
H	Capitol-House Side (South)
CHOB	Cannon House Office Building (3 digit numbers)
LHOB	Longworth House Office Building (4 digit room numbers begin with "1")
RHOB	Rayburn House Office Building (4 digit room numbers begin with "2")
Annex 1	
Annex 2	

Metro Subway Stops	
House:	Blue and Orange lines at Capitol South, except Annex 2, which is Federal Center SW stop